UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/1299
31 December 1999

ORIGINAL: ENGLISH

LETTER DATED 31 DECEMBER 1999 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 748 (1992) CONCERNING THE LIBYAN ARAB JAMAHIRIYA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya, containing an account of the Committee's activities since the beginning of 1999 (see annex). The present report, which was adopted by the Committee on 15 December 1999, is being submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(Signed) Danilo TÜRK
Chairman
Security Council Committee established
pursuant to resolution 748 (1992)
concerning the Libyan Arab Jamahiriya

00-22841 (E) 040100

/...

Annex

Report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

I. INTRODUCTION

1. The Committee adopted the present report on 15 December 1999. The purpose of the report is to present a factual summary of the Committee's activities during the calendar year 1999, in accordance with the transparency measures outlined by the President of the Security Council on 29 March 1995 (S/1995/234). During 1999, the Committee held 2 meetings and handled over 50 incoming communications relating to various aspects of the implementation of the mandatory sanctions, as well as a comparable number of replies.

II. SUMMARY OF THE COMMITTEE'S WORK

2. With reference to paragraph 4 (b) of the note by the President of the Security Council dated 30 October 1998 (S/1998/1016), and following consultations among the members of the Council under the no-objection procedure, the members of the Security Council agreed to elect the Bureau for 1999, which consisted of Ambassador Danilo Türk (Slovenia) as Chairman, with the delegations of Brazil and Gabon providing the two Vice-Chairmen (S/1999/8; SC/6621).

A. Humanitarian flights

3. Pursuant to paragraph 9 (e) of Security Council resolution 748 (1992) of 31 March 1992, and at the suggestion of the United Nations resident coordinator in Tripoli, Libyan Arab Jamahiriya, the Committee, at its 13th meeting on 14 October 1992, approved special arrangements for emergency medical evacuation by air (MEDEVAC) from the Libyan Arab Jamahiriya. Instructions and procedures concerning the measures so approved by the Committee were transmitted to all States and international organizations on 16 October 1992.

4. Subsequently, the Committee, at its 59th meeting, held on 17 July 1995 (see SC/6070), approved further procedures and arrangements concerning the authorization and monitoring procedures for MEDEVAC flights from the Libyan Arab Jamahiriya and the related issue of the maintenance and supply of spare parts for the pre-designated four Libyan air ambulances, as an annex to the special arrangements for emergency medical evacuations by air from the Libyan Arab Jamahiriya, adopted previously at the Committee's 13th meeting, on 14 October 1992.

5. During 1999, the Committee approved 25 emergency MEDEVAC flights, while during 1998, 91 had been approved.

6. On 8 February 1999, the Committee approved procedures for pilgrimage (haj) flights from the Libyan Arab Jamahiriya to Jeddah, Saudi Arabia. In line with its previous practice and in accordance with paragraph 19 of the New

Consolidated Guidelines of the Committee for the Conduct of its Work (S/AC.28/1994/CRP.2/Rev.3 of 16 February 1994), the Committee will continue to apply a no-objection procedure, on a case-by-case basis, for the pilgrimage flights to and from Saudi Arabia (the same procedure applies for other humanitarian flights). The Committee would approve these flights with the following conditions: (a) the Government where the air carrier is based will communicate to the Committee, in advance, the exact schedule, routing and aircraft registration number for each flight; (b) all flights shall be direct and non-stop between the authorized destinations; (c) none of the aircraft shall be owned by, leased from or controlled by the Libyan Arab Jamahiriya or any Libyan entity; (d) neither the Government or public authorities of the Libyan Arab Jamahiriya nor any Libyan undertakings, shall, directly or indirectly, benefit financially from such flights, pursuant to paragraphs 3 (a) and (b) of Security Council resolution 883 (1993); and (e) pursuant to the Guidelines approved by the Committee, the aircraft must be inspected to ensure that they are operating exclusively for the declared humanitarian purposes and in accordance with the relevant provisions of Council resolution 748 (1992). Accordingly, these inspections will be effected with the participation of the competent authorities of the Government concerned and/or United Nations officials at:

(a) Airport (home airport or air carrier) immediately before departure to the Libyan Arab Jamahiriya;

(b) Tripoli, Benghazi and Jeddah, on both the inbound and outbound flights;

(c) Airport (home airport) upon return from the Libyan Arab Jamahiriya (SC/6639).

B. Violations

7. The Committee, at its 90th meeting, held on 26 January 1999, considered a communication from the United States of America and from United Nations sources concerning numerous recent events of alleged flight violations of the sanctions regime on the Libyan Arab Jamahiriya. The Committee requested its Chairman to address letters to the Permanent Representatives of a number of Member States (Chad, the Democratic Republic of the Congo, Eritrea, the Libyan Arab Jamahiriya, the Niger, the Sudan and Uganda) in order to seek additional information regarding this issue and to report back to the Committee. The Committee also sent letters to the Member States that had confirmed violations (Chad and the Gambia), reminding them of Article 103 of the Charter of the United Nations and of their obligations under Security Council resolution 748 (1992), and noting that the flights in question had been unacceptable breaches of the sanctions regime.

III. OTHER ISSUES

8. On 5 April 1999, the Secretary-General addressed a letter to the President of the Security Council (S/1999/378) informing him of the fact that the

requirements of paragraph 8 of Council resolution 1192 (1998) had been met, which was immediately acknowledged through a statement of the President of the Council to the press on 5 April 1999 following consultations of the whole (press release SC/6662). In this connection, on 6 April 1999, the Chairman of the Committee addressed a note verbale to all Member Sates, as well as the heads of international organizations and the specialized agencies, informing them of the above.

9. The Security Council, at its 3992nd meeting, held on 8 April 1999, adopted a presidential statement (S/PRST/1999/10), in which it noted that the conditions for suspending the wide range of aerial, arms and diplomatic measures against the Libyan Arab Jamahiriya had been fulfilled as of 5 April 1999, 1400 hours Eastern Standard Time.

10. The Security Council, at its 4022nd meeting, held on 9 July 1999, adopted a presidential statement (S/PRST/1999/22), in which it welcomed the positive developments identified in the Secretary-General's report of 30 June 1999 (S/1999/726), as well as the Libyan Arab Jamahiriya's commitment to further implementing Council resolutions 748 (1992) and 883 (1993) by continuing cooperation to meet all their requirements. It also reaffirmed its intention to lift as soon as possible the measures it had imposed in 1992 and 1993.